

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	14-00148-01-CR-W-HFS
)	
ERIC M. WILEY,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on November 24, 2014. Defendant Eric Wiley appeared in person and with Assistant Federal Public Defender Anita Burns. The United States of America appeared by Assistant United States Attorneys Joe Marquez and Jeffrey McCarther.

I. BACKGROUND

On May 22, 2014, an indictment was returned charging defendant with one count of possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Marquez announced that he¹ and Mr. McCarther will be the trial counsel for the government. The case agent to be seated at counsel table is Detective John Mattivi.

Ms. Burns announced that she will be the trial counsel for defendant Eric Wiley. Alan Bush, Investigator, may be present.

¹AUSA William Meiners may be trial counsel in this case.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Marquez announced that the government intends to call 5 witnesses without stipulations or 4 witnesses with stipulations during the trial.

Ms. Burns announced that defendant Eric Wiley intends to call no witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Marquez announced that the government will offer approximately 7 exhibits in evidence during the trial.

Ms. Burns announced that defendant Eric Wiley will offer no exhibits in evidence during the trial.

VI. DEFENSES

Ms. Burns announced that defendant Eric Wiley will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Ms. Burns stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to prior felony conviction and interstate nexus of the firearm.

IX. TRIAL TIME

Counsel were in agreement that this case will take 1 to 1 1/2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all

available exhibits premarked using the stickers provided by the Clerk of Court by December 3, 2014;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, December 3, 2014;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions² by or before noon, Wednesday, December 3, 2014. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on December 8, 2014.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
November 24, 2014

²Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the forthcoming trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, December 5, 2014. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.